

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TRACEY COLEMAN,

Plaintiff,

Case No. 20-cv-1882-bhl

v.

MILWAUKEE PUBLIC SCHOOLS
DIVISION OF FACILITIES AND
MAINTENANCE,

Defendant.

ORDER

On December 21, 2020, plaintiff Tracey Coleman filed a pro se complaint against the “Milwaukee Public Schools Division of Facilities and Maintenance,” (ECF No. 1), and a motion to proceed without paying the filing fee, (ECF No. 2). After reviewing plaintiff’s complaint and motion, the Court will deny the motion to proceed without paying the filing fee and dismiss the complaint for failure to state a claim.

Before allowing a plaintiff to proceed with a complaint without paying the filing fee, the Court must first review the plaintiff’s motion for indigency and determine whether the litigant is able to pay the costs of commencing the action. 28 U.S.C. §1915(a). Next, the Court must review and dismiss the complaint if “the action or appeal – (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” *See* 28 U.S.C. §1915(e)(2)(B). Because the plaintiff is proceeding pro se, the complaint will be liberally construed, and the Court will hold the document “to less stringent standards than formal pleadings drafted by lawyers.” *Estelle v. Gamble*, 429 U.S. 96, 106 (1976) (citing *Haines v. Kerner*, 404 U.S. 519, 520-521 (1972)).

The plaintiff appears unable to pay the filing fee. In the attached affidavit, Coleman states that he is unemployed, relies on Social Security payments of \$700 per month, and has monthly expenses of \$550. (ECF No. 2.) He does not own a car, own a home, have any bank

accounts, or any other property of value. (*Id.*) Based on his assertions, the Court is satisfied that he is indigent for purposes of proceeding without prepaying the filing fee.

However, the complaint must be dismissed because it fails to state a claim upon which relief may be granted. Plaintiff states that, on May 26, 2019, he began working at Storms Elementary School to work as a Building Service Helper. (ECF No. 1.) At the beginning of the day, he met with Ms. Tate, the engineer. (*Id.*) The plaintiff indicates that Ms. Tate told him not to cut corners and that he does not have enough experience. (*Id.*) Plaintiff alleges that, on May 29, 2019, Ms. State called him into her office at the beginning of the shift, called him a “Negro,” and that he needs to do what she tells him to do or else she will write him up. (*Id.*) Plaintiff then states that, on June 13, 2019, he was ill and went to see his doctor. (*Id.*) Plaintiff does not indicate what federal law the defendant allegedly violated and even construing the complaint liberally, the Court cannot find any facts alleged that would support a federal claim against the defendants. Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed without prepaying of the filing fee, (ECF No. 2) is **DENIED** and the complaint is **DISMISSED** for failure to state claim.

Dated at Milwaukee, Wisconsin on February 1, 2021.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge